



MEMORANDUM

To: Natural Persons who are Applying for or Have Been Issued Georgia Money Service Business Licenses or Registrations

From: Georgia Department of Banking and Finance

Re: Verification of Lawful Presence within the United States

As a result of a recent law change, the Georgia Department of Banking and Finance (Department) is required to obtain from each natural person who is applying for or currently holds a Georgia money service business license or registration in his or her own name (Applicant/Licensee/Registrant) a signed and sworn affidavit verifying his or her lawful presence in the United States that is accompanied by a copy of at least one “secure and verifiable document.” O.C.G.A. § 50-36-1(e).

Attached to this Memorandum you will find a Checklist for Verification of Lawful Presence within the United States (Checklist). You will also find three different affidavits from which an Applicant/Licensee/Registrant must choose that provide the basis for his or her lawful presence in the United States.

The Checklist must be completed by an Applicant/Licensee/Registrant to identify which of the three types of affidavits and which one of the 16 secure and verifiable documents listed is being submitted to the Department. In determining which affidavit is appropriate, an Applicant/Licensee/Registrant that is a United States citizen should complete the affidavit with that title (first affidavit). An Applicant/Licensee/Registrant that is a legal permanent resident should complete the affidavit with that title (second affidavit). An Applicant/Licensee/Registrant that is a qualified alien or nonimmigrant under Title 8 U.S.C. with an alien number issued by the Department of Homeland Safety or other federal immigration agency should complete the affidavit with that title (third affidavit).

A **legible** photocopy of at least one secure and verifiable document must accompany the affidavit that is being submitted by an Applicant/Licensee/Registrant. A “secure and verifiable document” is defined in O.C.G.A. § 50-36-2 as “a document issued by a state and federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. *A secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder’s immigration status.* Only those documents approved and posted by the Attorney General pursuant to subsection (f) of this Code section shall be considered secure and verifiable.” (Emphasis added.)

Depending on which affidavit an Applicant/Licensee/Registrant is submitting, there is included on the Checklist at least one type of secure and verifiable document that has been determined by the Georgia Attorney General's Office as being acceptable to support an affidavit.

Once the appropriate affidavit is selected by an Applicant/Licensee/Registrant and a photocopy of his or her secure and verifiable document has been made, he or she must complete the affidavit and **sign it in the presence of a notary public.**

Each Applicant/Licensee/Registrant must mail to the Department the following three documents: 1) a Checklist completed in its entirety by the Applicant/Licensee/Registrant, 2) the appropriate **original** signed and **notarized** affidavit attesting to the basis for his or her lawful presence in the United States, and 3) a **legible** photocopy of the Applicant's/Licensee's/Registrant's secure and verifiable document in support of the affidavit being submitted.

Please make sure that the name and license number, if one has been assigned, of the Applicant/Licensee/Registrant are included on each of the three documents being submitted, including the copy of the secure and verifiable document.

For your records, it is recommended that each Applicant/Licensee/Registrant keep a photocopy of all of the documents that he or she submits to the Department to verify his or her lawful presence in the United States in case any issue arises as to whether the Applicant/Licensee/Registrant has submitted a complete and correct copy of what must be provided.

Failure by the Applicant/Licensee/Registrant to provide the documentation called for by this Memorandum may result in his or her Georgia money service business license or registration being denied or revoked.

If you have any questions regarding this Memorandum, please e-mail them to msb@dbf.state.ga.us.

SN/loh

GEORGIA DEPARTMENT OF BANKING AND FINANCE
CHECKLIST FOR VERIFICATION OF LAWFUL PRESENCE WITHIN THE UNITED STATES

***THIS FORM MUST BE SUBMITTED TO THE DEPARTMENT WITH YOUR COMPLETE NOTARIZED AFFIDAVIT
AND A LEGIBLE COPY OF YOUR SECURE AND VERIFIABLE DOCUMENT***

NAME _____
(please print clearly)

License/Registration Number
(If one has been assigned)

1) Affidavit that I am providing (please check the appropriate one):

- _____ United States Citizen Affidavit;
_____ Legal Permanent Resident Affidavit; or
_____ Qualified Alien or Nonimmigrant under the Federal Immigration and Nationality Act, Title 8 with an Alien Number Issued by the Department of Homeland Security or Other Federal Immigration Agency Affidavit

2) A legible copy of at least one form of Secure and Verifiable Documentation authorized by the Georgia Attorney General's Office that I am providing to support my Affidavit (please check the form(s) of documentation):

- _____ United States passport or passport card
_____ United States military identification card
_____ Driver's license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Islands, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
_____ Identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Islands, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
_____ Tribal identification card of a federally recognized Native American tribe, provided that contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer.
_____ United States Permanent Resident Card or Alien Registration Receipt Card
_____ Employment Authorization Document that contains a photograph of the bearer
_____ Passport issued by a foreign government
_____ Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard
_____ Free and Secure Trade (FAST) card
_____ NEXUS card
_____ Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card
_____ Driver's license issued by a Canadian government authority
_____ Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561)
_____ Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570)
_____ Other document or form of identification for proof or documentation of identity that the Georgia Department of Banking and Finance must accept pursuant to federal law deemed to be a secure and verifiable document solely for the issuance or administration of a money service business license or registration

I am providing the Georgia Department of Banking and Finance (Department) with this Checklist, the applicable affidavit and a photocopy of an authorized secure and verifiable document as a requirement for obtaining or continuing to hold a Georgia money service business license or registration in my individual name. I understand and agree that knowingly and willfully making a false, fictitious, or fraudulent submission of this documentation to the Department may serve as grounds for denial or revocation of my Georgia money service business license or registration and may subject me to criminal penalties.

Signature of Applicant/Licensee/Registrant

Date

License/Registration Number (If one has been assigned)

United States Citizen
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(A)

By executing this affidavit, the undersigned Applicant/Licensee/Registrant verifies his or her lawful presence in the United States as the undersigned is a United States citizen 18 years of age or older. Furthermore, the undersigned hereby verifies that he or she has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____, _____.
(month) (day) (year) (city) (state)

Signature of Georgia Money Service Business
Applicant/Licensee/Registrant

Printed Name of Applicant/Licensee/Registrant

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:

License/Registration Number (If one has been assigned)

**Legal Permanent Resident
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(A)**

By executing this affidavit, the undersigned Applicant/Licensee/Registrant verifies his or her lawful presence in the United States as the undersigned is a legal permanent resident 18 years of age or older. Furthermore, the undersigned hereby verifies that he or she has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____.
 (month) (day) (year) (city) (state)

Signature of Georgia Money Service Business
Applicant/Licensee/Registrant

Printed Name of Applicant/Licensee/Registrant

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:

License/Registration Number (If one has been assigned)

**Qualified Alien or Nonimmigrant under the Federal Immigration and Nationality Act,
Title 8 with an Alien Number Issued by the Department of Homeland Security
Or Other Federal Immigration Agency
Affidavit Under O.C.G.A. § 50-36-1(e)(2)(B)**

By executing this affidavit, the undersigned Applicant/Licensee/Registrant verifies his or her lawful presence in the United States as the undersigned is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C. with an alien number issued by the Department of Homeland Security or other federal immigration agency. The undersigned hereby verifies that he or she is 18 years of age or older, lawfully present in the United States and verifies that he or she has provided at least one secure and verifiable document, as defined by O.C.G.A. 50-36-2, with this affidavit.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 201_, in _____.
(month) (day) (year) (city) (state)

Signature of Georgia Money Service Business
Applicant/Licensee/Registrant

Printed Name of Applicant/Licensee/Registrant

Alien number issued
by the Department of Homeland
Security or other federal
immigration agency to Applicant/
Licensee/Registrant

Subscribed and sworn before me
on this ____ day of _____, 201_.

NOTARY PUBLIC
My commission expires:
